

REMARKS

In the Specification

1. The indicated amendments to the designated paragraphs correct minor typographical and grammatical errors. Applicants believe no new matter has been added by these amendments and entry by the Examiner is respectfully requested.

In the Claims

1. Claims 1 through 34 are pending in the Application.

2. The Examiner has imposed a restriction requirement on original claims 1-24. The Examiner asserts that claims 1-23 constitute separate Invention I, drawn to an article classified in Class 428. The Examiner further asserts that claim 24 constitutes separate Invention II, drawn to a method classified in Class 219. Applicants hereby elect Invention I with traverse.

3. Original and currently amended claims 1-23 read on Invention I. Further, new claims 25-34 also read on Invention I. Claim 24 is dependent from claim 1 and, Applicants contend that amended claim 24 reads on Invention I.

4. With all due respect to the Examiner, Applicants contend that Invention I is improperly classified. Class 428, entitled "Stock Material or Miscellaneous Articles", "accommodates certain products of manufacture which are *not provided for* in classes devoted primarily to manufacturing methods and apparatus." Throughout the Class Definition for Class 428, it is made clear that "[t]his is a residual class for [articles] *not provided for elsewhere*." Class 219, in contrast, is entitled "Electric Heating" and includes "electric-heating metal working apparatus." Under Class 219, Sub-class 50, entitled "Heating (*E.g.*, resistance heating)", includes subject matter where "[t]he metal heated is a workpiece and is separable and distinctive from the heater, which is a tool". As is stated further, "The heating may be for *welding*"

Under Sub-class 50, Sub-class 78.01, entitled “For bonding with pressure (*e.g. resistance welding*)”, includes “[s]ubject matter relating to the bonding of metal by means of *pressure while heated by the electric current*” and where “[t]he heat is generally created by *resistance heating*, but may . . . be created by an electric arc.” Under Sub-class 78.01, Sub-class 119, entitled “Electrodes (*e.g., structure*)”, includes “[s]ubject matter relating to the electrodes utilized in pressure welding.” (All emphases added.)

5. Therefore, in view of the above, Applicants respectfully request reconsideration and withdrawal by the Examiner of the Restriction Requirement.

6. Claim 9 has been amended. Support for the amendment is found in the Specification at 4:18-23. Therefore, Applicants believe no new matter has been added by the indicated amendment and entry by the Examiner is respectfully requested.

7. Claim 10 has been amended. Support for the amendment is found in the Specification at 4:18-23, 16:11-17, and original claim 9. Therefore, Applicants believe no new matter has been added by the indicated amendment and entry by the Examiner is respectfully requested.

8. Claim 15 has been amended. Support for the amendment is found in the Specification at 4:18-23. Therefore, Applicants believe no new matter has been added by the indicated amendment and entry by the Examiner is respectfully requested.

9. Claim 16 has been amended. Support for the amendment is found in the Specification at 4:18-23, 16:11-17, and original claim 15. Therefore, Applicants believe no new matter has been added by the indicated amendment and entry by the Examiner is respectfully requested.

10. Claim 20 has been amended. Support for the amendment is found in the Specification at 4:18-23. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

11. Claim 21 has been amended. Support for the amendment is found in the Specification at 4:18-23, 16:11-17, and original claim 20. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

12. Claim 24 has been amended. Support for the amendment is found in the Specification at 4:18-23, 12:11-17, and 15:1-16:10 and in Fig. 4a. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

13. Claim 25 is new. Support for new claim 25 is found in the Specification at 4:18-23, 16:1-10, 19:11-20, and Figs 10a and 11a. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

14. Claim 26 is new. Support for new claim 26 is found in the Specification at 4:18-23, 15:25-29, and original claim 14. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

15. Claim 27 is new. Support for new claim 27 is found in the Specification at 4:18-23 and original claim 19. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

16. Claim 28 is new. Support for new claim 28 is found in the Specification at 17:20-24 and Figs 6a and 7a. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

17. Claim 29 is new. Support for new claim 29 is found in the Specification at 4:18-23 and 14:1-5. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

18. Claim 30 is new. Support for new claim 30 is found in the Specification at 4:18-23 and 12:11-17 and Figs 6a and 7a. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

19. Claim 31 is new. Support for new claim 31 is found in the Specification at 17:1-5 and Figs 4f, 5f, and 6f. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

20. Claim 32 is new. Support for new claim 32 is found in the Specification at 4:18-23 and 12:11-17 and Figs 6a and 6f. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

21. Claim 33 is new. Support for new claim 33 is found in Fig. 6b. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

22. Claim 34 is new. Support for new claim 34 is found in the Specification at 4:18-23 and 12:11-17 and Figs 6a and 7a. Therefore, Applicants believe no new matter has been added by indicated amendment and entry by the Examiner is respectfully requested.

Closure

1. Previously, fees were paid for a total of 24 claims and 3 independent claims. As submitted herewith, a total of 34 claims and 7 independent claims are remaining with the Application. Pursuant to 37 C.F.R. §§ 1.16(b) and (c), additional fees in the amount of \$266.00 are due.

2. This is a request for a one-month extension of time to respond to the Office Action. A period for response was set to expire October 14, 2004. Pursuant to 37 C.F.R. § 1.17(a)(1), a fee in the amount of \$55.00 is due.

3. Applicants enclose herewith a credit card authorization form PTO-2038 for \$321.00 for the abovementioned fees. Please charge any additional fees, or credit any overpayments in connection with this Response to Applicants' undersigned counsel's Deposit Account 021266. A duplicate copy of this authorization is also enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wm B Richards', written over a horizontal line.

William B. Richards, Esq.
Attorney for Applicants
Reg. No. 44,301

Battelle Memorial Institute
505 King Avenue
Columbus, OH 43201
Phone: 614/424-5612
Fax: 614/424-3864
E-mail: richardsw@battelle.org
Customer Number: 24116